

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-8, 10-14, 23-29, 31-35 and 43-54 are pending in this application.

**Divisional Application 10/638,309:**

In view of the restriction requirement mailed 12/31/2002 in the present application, a divisional application (USSN 10/638,309) claiming priority from the present application was filed. Applicant draws the Examiner's attention to the fact that this divisional application recently issued as U.S. Patent No. 7,223,173.

**Allowable Subject Matter:**

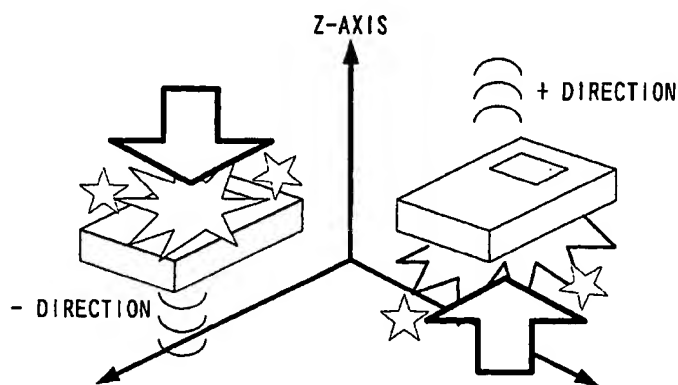
Applicant notes with appreciation the indication that claims 7-8, 28-29 and 43-44 are allowable.

**Rejection Under 35 U.S.C. §102:**

Claims 2-6, 10-14, 23-27, 31-35 and 45-54 were rejected under 35 U.S.C. §102 as allegedly being anticipated by Chiang Shiung-Fei (U.S. '376, hereinafter "Fei"). Applicant respectfully traverses this rejection.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574 (Fed. Cir. 1986). Fei fails to disclose every claim element of the claimed invention. For example, Fei fails to disclose or even suggest a character control program which

moves a character within displayed game space at a movement speed based on at least one of an amount and a direction of an **impact** applied to a housing held by a player so that the character changes position relative to the displayed game space, as required by independent claims 4 and 25. Fei does not disclose applying **impact** to a housing to move a character at all. Indeed, mounting Fei's gun housing 14 to base portion 12 would likely inhibit application of impact to the housing in at least the z-axis direction. Impact movement is supported by, for example, Figs. 11-12 and pages 19-20 of the specification. Fig. 12 is reproduced below.



Moreover, Fei also fails to disclose or even suggest a character control program which *moves a character within displayed game space* at a movement speed related to at least one of an amount and a direction of a tilt (claims 2 and 23) or a movement (claims 3 and 24) applied to a housing held by a player *so that the character changes position relative to the displayed game space*.

Fei discloses a game 10 having a gun housing 14 which may be moved along a first arc indicated by arrows 42a and 42b and along a second arc indicated by arrows 44a and 44b. A displayed image 60a-60d may be moved close to a indicium (firing zone) 76 by moving a liquid crystal display 50 on the gun housing 14 in the direction 42a-42b or 44a-44b so as to superimpose the displayed image close to the indicium (firing zone) 76.

However, even if the housing of gun 14 is moved in direction of the first or second arc 42a-42b or 44a-44b, only the entire view or sight of the game space is changed. The state within the game space is not changed. In contrast, a state within the game space is changed in the present invention when the housing held by a player is tilted, moved or impacted. Namely, a character is moved *within* displayed game space at a movement speed related to at least one of an amount and a direction of a housing tilt, movement or impact so that the *character changes position relative to the displayed game space*. When the housing is tilted, moved or impacted, the position of the character within the displayed game space is changed.

Section 6 (page 3) of the Office Action states, *inter alia*, "As presented the display perspective of Fei is altered based on the user's tilting of the game housing (Figures 3 & 4). This change of perspective also referred to by Fei as scrolling in figure nine is understood as responsive to the direction of tilting (resulting in a specific direction of scrolling) and an amount of tilting wherein said amount tilting

is understood as a positive amount or alternatively zero.” If anything, this portion of the Office Action confirms that what is changed as a result of the gun housing movement is merely a change in perspective view. That is, only the perspective view or sight is changed as a result of tilting the housing, and not the position of a character within the displayed game space as in the present invention.

The present invention is directed toward moving a character within the displayed game space, rather than changing the perspective view of the entire game space as in Fei. The present invention is entirely different from Fei since Fei’s indicium 76 does not move in the virtual game space if the tilting of Fei’s housing is maintained at a constant state. In contrast, a character may continue to move within the displayed game space even if the housing is maintained in a tilted (for example) state. For example, suppose Fei’s gun is initially pointed in the 12 o’clock direction at time t1. If Fei’s gun is tilted in the counterclockwise (direction 42b) to point at 11 o’clock at time t2, then the view or sight of the game space is changed. However, if Fei’s gun is maintained at the 11 o’clock position (i.e., still tilted with respect to the original 12 o’clock position) at time t3, then the view or sight of the game space is remains the same as that shown at time t2 (i.e., view or sight is maintained at a constant state). In contrast, a character (e.g., ball 61 in Fig. 8 of the present application) may continue to move within the displayed game space even if the housing is maintained in a tilted state.

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Furthermore, Fei's indicium 76 also fails to disclose a character moving within the displayed game space. The indicium 76 is a mere index, and not a character capable of moving within the displayed game space. For example, a "collision" between the indicium 76 and another object (e.g., wall or other character) by itself is not detected and does not for example result in destruction of the indicium 76 and/or other object or any other type of reaction.

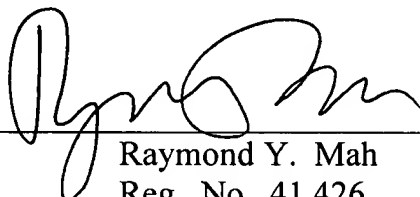
Accordingly, Applicant requests that the rejection of claims 2-6, 10-14, 23-27, 31-35 and 45-54 under 35 U.S.C. §102 be withdrawn.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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